

Serial No.: 10/064,368
Amendment Dated: September 3, 2004
Reply to Office Action of May 5, 2004

R E M A R K S

The Examiner's comments in the May 5, 2004, Office Action have been carefully considered. Reexamination of the present Application in view of the following remarks and the preceding amendments is respectfully requested.

Status of Claims

Claims 1-19 remain in this application. Claims 1, 11, 18, and 19 have been amended, and Claims 12 and 20 have been canceled, the subject matter having been incorporated within Claims 11 and 19, respectively.

Examiner's Rejections

Claims 1-20 stand rejected under 35 U.S.C. 102(b) as anticipated by Dabrowski et al., U.S. Patent No. 5,356,140. The Examiner substantially reproduced the claims as originally filed. At specific locations within the claim language the Examiner drew parallels with a certain embodiment of Dabrowski et al. '140 where the first and second poker hands are superposed. A player in Dabrowski et al. '140 is able to toggle between the displayed hands in order to learn the card values of each hand.

The superpositioning of the two Dabrowski et al. '140 hands is asserted by the Examiner to be identical to "concealing" in Claim 1, "displayed to the player only where the second hand is selected" in Claims 11 and 19.

Applicant's Response

A comparison of Applicant's specification and the Dabrowski et al. '140 disclosure immediately makes apparent the stark difference between the two double-hand poker games. In

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Dabrowski et al. '140 the playing card values of both hands are made available to the player upon initiation of the game cycle.

It is a feature of the present invention to provide a method of playing a card game in either a live game version or in an electronic gaming machine version in which the player is given two distinct hands from separate complete decks of cards. The player then chooses the one hand of the two that he wishes to play and the unselected hand becomes void or is removed from the screen display. (Col. 3, Lines 6-13)

With reference to FIG. 2, just before the cards are dealt, only the back of the playing cards are shown. Referring to FIG. 3, as the deal occurs, the cards are displayed one at a time beginning from the left and progressing to the right across the screen. As shown in FIG. 2, the first card 101 and the second card 102 of the player's first hand 100 and the first card 201 and the second card 202 of the player's second hand 200 have been displayed while the backs of the three remaining cards 103, 104 and 105 are still shown. (Col. 4, Lines 36-45)

The two player's hands 100 and 200 may be displayed in any suitable manner. In the preferred embodiment of the present invention, the cards for the player's second hand 200 are superimposed over a portion of the cards for the player's first hand 100. This saves screen space and makes it relatively easy for the player to compare the first hand 100 to the second hand 200. (Col. 4, Lines 46-53)

In Applicant's invention, upon initiation of the playing cycle the playing card values of only one hand are made available to the player - the playing card values of the second hand are provided only after the second hand is selected. The claims as originally filed utilized a negative manner of claiming - the playing card values of the second hand were

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concealed. The Examiner quite correctly noted that the superposition embodiment of Dabrowski et al. '140 resulted in a concealment of the second hand - even if only momentary and at the player's discretion and control.

By the present amendment the remaining Claims now place Applicant's inventive feature in a more positive light - namely, upon selecting to play the second hand, the playing card values are revealed. Thus Claim 1 now recites in (f) "identifying. . . a playing card value for each of the playing cards of the second five card hand not previously identified in response to the player selecting the second hand;" Claim 11 recites in (d) "displaying to the player a second five card hand face up after the player has selected the face down cards;" and Claim 19 in (e) "electronically displaying to the player the second five card hand face up in response to selection of the face down cards".

A Section 102 analysis requires the often-repeated standard:

Anticipation under 35 U.S.C. Section 102(e) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegall Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)

In re Robertson, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999). As presently claimed Applicant's invention is not expressly or inherently described in Dabrowski et al. '140 or in any of the other patents cited by the Examiner. Applicant respectfully requests the withdrawal of the §102 rejections.

Conclusion

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The fees required for an extension of time accompany this Amendment. If there are any questions or other issues that might be resolvable by a telephone call with Applicant's counsel, the Office is invited to place same at the number indicated below.

Respectfully submitted,

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